

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

WAYNE STEWART,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:17CV9 HEA
	)	
TOMAS CABRERA, et al.,	)	
	)	
Defendants,	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for reconsideration. The motion is granted.

The Court previously reviewed this action under 28 U.S.C. § 1915(e). On review, the Court determined that plaintiff's claims of deliberate indifference to his serious medical needs stated a claim against his treating physician and Corizon Health. The Court dismissed his claims against defendants Tammy Anderson, William Jones, and James Hurley, however, finding that they were not directly involved in the constitutional violations in their capacities as supervisors. Plaintiff argues that the Court erred in doing so. He maintains that his claims against them fall under the category of "tacit authorization" rather than respondeat superior. And he says that the Eighth Circuit has recognized tacit authorization as a valid theory under 42 U.S.C. § 1983.

Plaintiff is correct. In *Langford v. Norris*, 614 F.3d 445 (8th Cir. 2010), the court found that appellants had stated a successful claim of deliberate indifference where they had sent letters to the a prison administrator describing their ongoing medical needs. *Id.* at 460. The court held him liable even though "he [was] not a medical doctor and [did] not personally treat inmates'

medical needs.” *Id.* The court stated that supervisors can incur liability when their corrective inaction amounts to deliberate indifference to or tacit authorization of the violative practices. *Id.*

Plaintiff’s allegations against defendants Tammy Anderson, William Jones, and James Hurley are substantially similar to those in *Langford*. Therefore, the Court will vacate the dismissal of these defendants and order them to respond to the complaint.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion for reconsideration [ECF No. 11] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Court’s dismissal of defendants Tammy Anderson, William Jones, and James Hurley is **VACATED**.

**IT IS FURTHER ORDERED** that the Clerk is directed to serve process on defendants Tammy Anderson, William Jones, and James Hurley.

Dated this 26th day of April, 2017

A handwritten signature in black ink, reading "Henry Edward Autrey", with a long horizontal line extending to the right.

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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE